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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter 1—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 7—REINSTATEMENT

PART 8—PROMOTION, DEMOTION, REASSIGNMENT AND TRANSFER

PART 10—SPECIAL TRANSITIONAL PROCEDURES

MISCELLANEOUS AMENDMENTS

1. Section 2.112 is amended to read as follows:

§ 2.112 *Appointments subject to investigation.* (a) The following types of appointment shall be made subject to investigation:

- (1) Original probational.
- (2) Reappointments.
- (3) Reinstatements.
- (4) Temporary appointments.
- (5) Inter-agency transfers.
- (6) Conversions from excepted, war service indefinite or temporary indefinite appointments to competitive appointments.

(b) Investigation to establish the individual's qualifications may be made at any time within eighteen months of the personnel action and removal may be ordered by the Commission if such investigation discloses that the individual is disqualified for Federal employment.

(c) The condition "subject to investigation" shall expire automatically at the end of eighteen months from the effective date of the personnel action, except in a case in which the Commission has made an initial adjudication of disloyalty and the case continues to be active by reason of an appeal. In cases on which the Commission's jurisdiction has expired and the case is incomplete or an initial adjudication has not been made, it shall be the responsibility of the employing agency to conclude such investigation and make a final determination concerning the loyalty of such person. (E. O. 9835, 3 CFR, 1947 Supp.)

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633, E. O. 9830, Feb. 24, 1947, 12 P. R. 1259; 3 CFR, 1947 Supp.)

2. The Commission concurs in the recommendation of the Department of Agriculture that section 10 (a) of Public Law 268, 81st Congress, amending section 507 of the Federal Crop Insurance Act contains adequate authority for appointing loss adjusters now made under § 6.111 (k) (2) of this chapter. Effective upon publication in the Federal Register, § 6.111 (k) of this chapter is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633, E. O. 9830, Feb. 24, 1947, 12 P. R. 1259; 3 CFR, 1947 Supp., E. O. 9873, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

3. Section 7.103 (b) (3) is amended by the deletion of "(1)" from "§ 2.102 (c) (1) of this chapter", referred to therein. Section 7.103 (b) as amended reads:

§ 7.103 *Commission approval required for certain reinstatements.* * * *

(b) Prior approval for reinstatement must be obtained from the Commission when:

- (1) It is desired to make an exception to the qualifications standards for the position to which reinstatement is proposed.
- (2) The Commission has not issued qualifications standards for such position unless reinstatement is to be made to a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.
- (3) The reinstatement of a non-veteran is desired to a position the filling of which is restricted by § 2.102 (c) of this chapter.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633, E. O. 9830, Feb. 24, 1947, 12 P. R. 1259; 3 CFR, 1947 Supp.)

4. Section 8.102 (b) (3) is amended by the deletion of "(1)" from "§ 2.102 (c) (1) of this chapter", referred to therein. Section 8.102 (b) as amended reads:

§ 8.102 *Commission approval required for certain promotions, demotions, reassignments and transfer.* * * *

(b) Prior approval for promotion, demotion, reassignment, or transfer must be obtained from the Commission when:

- (1) It is desired to make an exception to the qualifications standards for the position to which promotion, demotion, reassignment or transfer is proposed.

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(2) The Commission has not issued qualifications standards for such position unless reassignment, demotion, or transfer is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(3) When the promotion, demotion, reassignment, or transfer of a non-veteran is desired to a position the filling of which is restricted by § 2.102 (c) of this chapter.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633, E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

5. Section 10.105 (a) is amended by the deletion of "(1)" from "§ 2.102 (c) (1) of this chapter", referred to therein. Section 10.105 (a) as amended reads:

§ 10.105 *Agency authority to make promotions, demotions, reassignments, transfers and reappointments during the transitional period.* (a) The Commission hereby delegates authority to agencies to promote, demote, reassign, transfer, or reappoint any employee who meets the requirements of this part, except that prior approval to take such action must be secured when a non-veteran is proposed for a position the filling of which is restricted by § 2.102 (c) of this chapter. Prior approval of the qualifications of the person proposed for promotion, demotion, reassignment, transfer, or reappointment must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, demotion, reassignment, transfer, or reappointment is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment, demotion, transfer, or reappointment is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-1178; Filed, Feb. 9, 1950; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs [Amdt. 2]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

DRIED PRUNE DIVERSION PROGRAM, FISCAL YEAR 1950

1. Section 518.162 is hereby amended to read as follows:

§ 518.162 *Rate of diversion payment.* The rate of diversion payment shall be

the applicable rate specified in the following table:

| Natural condition weight | | Processed weight | |
|--------------------------|-------------------------|-----------------------|-------------------------|
| Size | Rate in cents per pound | Size | Rate in cents per pound |
| 91 to 100..... | 1.00 | 90/100..... | 1.80 |
| 81 to 90..... | 1.50 | 80/90..... | 2.00 |
| 71 to 80..... | 2.25 | 70/80..... | 2.75 |
| 61 to 70..... | 3.00 | 60/70..... | 3.50 |
| 51 to 60..... | 3.50 | 50/60..... | 4.00 |
| 50 and larger..... | 3.75 | 40/50 and larger..... | 4.25 |

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Supp. 612c)

Effective time. This amendment shall be effective at 12:01 a. m., e. s. t., February 11, 1950.

Dated this 6th day of February 1950.

[SEAL] S. R. SMITH,
*Authorized Representative of
the Secretary of Agriculture.*

[F. R. Doc. 50-1157; Filed, Feb. 9, 1950; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 323—TERMINAL INSPECTION

EDITORIAL NOTE: Codification of Part 323 is hereby discontinued.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5390]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BERTRAM A. UNGER, TRADING AS CELLO-PLASTIC CHEMICAL CO.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections; personnel or staff; producer; status of dealer; manufacturer; stock, product or service;* § 3.20 *Comparative data or merits;* § 3.30 *Composition of goods;* § 3.90 *History of product or offering;* § 3.135 *Nature;* § 3.170 *Qualities or properties of product or service;* § 3.280 *Unique nature or advantages.* Subpart—*Using misleading name—Vendor:* § 3.2450 *Products.* In connection with the offering for sale, sale or distribution in commerce, of paints and related products designated "Cello-Plastic", or any other product or products of substantially similar composition, whether sold under the same name or under any other name, (1) representing, directly or by implication, (a) that any of said products are "miracle" paints, or that they differ substantially, either in composition or otherwise, from many other good quality paints on the market; (b) that any of said products are the result of or constitute new discoveries; (c) that any of said products will produce a "lifetime" finish or a finish that will last for any

substantial period of time beyond that which may be expected from other good quality paints; (d) that any of said products will hold their color or luster under all conditions, or provide a finish which will resist cigarette burns, alcohol, grease, hot water or lye; (e) that any of said products will not crack, blister or peel; (f) that one coat of any of said products is equivalent to any multiple number of coats of other good quality paints or will adequately cover a surface; or, (g) that any of said products have the same properties as molded plastic products; or, (2) using the words "Chemical Company", or any other word or words of similar import or meaning in the respondent's trade name; or representing in any other manner that the respondent is a dealer in chemical commodities other than paints; or, (3) using the words "A House of Chemical Engineers", or any other words of similar import or meaning, on letterheads, stationery, or other advertising material; or representing in any other manner that the respondent manufactures or compounds the products sold by him, unless and until he owns and operates, or directly and absolutely controls, the plant wherein said products are produced; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended; 15 U. S. C. 45) [Cease and desist order, Bertram A. Unger, trading as Cello-Plastic Chemical Company, Docket 5390, December 20, 1949]

In the Matter of Bertram A. Unger, Individually and Trading as Cello-Plastic Chemical Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's answer thereto, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and written brief in support of the complaint (no brief having been filed on behalf of the respondent and oral argument not having been requested); and the Commission, having made its findings as to the facts and its conclusion that the respondent, Bertram A. Unger, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Bertram A. Unger, individually and trading as Cello-Plastic Chemical Company, or trading under any other name or through any corporate or other device, and said respondent's agents, representatives and employees, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of paints and related products designated "Cello-Plastic", or any other product or products of substantially similar composition, whether sold under the same name or under any other name, do forthwith cease and desist from:

(1) Representing, directly or by implication:

(a) That any of said products are "miracle" paints, or that they differ substantially, either in composition or otherwise, from many other good quality paints on the market;

(b) That any of said products are the result of or constitute new discoveries;

(c) That any of said products will produce a "lifetime" finish or a finish that will last for any substantial period of time beyond that which may be expected from other good quality paints;

(d) That any of said products will hold their color or luster under all conditions, or provide a finish which will resist cigarette burns, alcohol, grease, hot water or lye;

(e) That any of said products will not crack, blister or peel;

(f) That one coat of any of said products is equivalent to any multiple number of coats of other good quality paints or will adequately cover a surface;

(g) That any of said products have the same properties as molded plastic products.

(2) Using the words "Chemical Company", or any other word or words of similar import or meaning in the respondent's trade name; or representing in any other manner that the respondent is a dealer in chemical commodities other than paints.

(3) Using the words "A House of Chemical Engineers", or any other words of similar import or meaning, on letterheads, stationery, or other advertising material; or representing in any other manner that the respondent manufactures or compounds the products sold by him, unless and until he owns and operates, or directly and absolutely controls, the plant wherein said products are produced.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 20, 1949.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-1170; Filed, Feb. 9, 1950;
8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71-77—TRANSPORTATION OF EXPLOSIVES

MISCELLANEOUS AMENDMENTS

In the matter of regulations for transportation of explosives and other dangerous articles.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of January A. D. 1950.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831-835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as

amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, that the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

| Article | Classed as | Exemptions and packing (section references are to pt. 73 formerly pt. 3) | Label required if not exempt | Maximum quantity in one outside container by rail express |
|---|-------------|--|------------------------------|---|
| (Add) | | | | |
| Dimethylamine, anhydrous..... | Inf. G..... | 302, 303 | Red..... | 300 pounds. |
| Trimethylamine, anhydrous..... | Inf. G..... | 302, 303 | Red..... | 300 pounds. |
| (Change) | | | | |
| Liquids other than those classified as flammable, corrosive, or poisonous charged with nitrogen, carbon dioxide, or air. See Compressed gases, n. o. s. | | | | |
| Mixtures or solutions of liquefied nonflammable gases and liquids other than those classified as flammable, corrosive, or poisonous charged with nitrogen, carbon dioxide, or air. See Compressed gases, n. o. s. | | | | |
| Monomethylamine, anhydrous..... | Inf. G..... | 302, 303 | Red..... | 300 pounds. |
| *Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid. | Inf. L..... | 103, 113 | Red..... | 55 gallons. |
| Peroxides, organic, liquid, n. o. s..... | Oxy. M..... | 153, 186A | Yellow..... | 1 quart. |
| (Cancel) | | | | |
| Dimethylamine..... | Inf. L..... | 103, 110 | Red..... | 10 gallons. |
| Monomethylamine..... | Inf. G..... | 302, 303 | Red..... | 300 pounds. |

PART 73—REGULATIONS APPLYING TO SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Section 73.31 (g) (formerly sec. 31 (g), order August 16, 1940), is amended to read as follows:

(g) Before a tank car may be used for the transportation of any commodity other than that commodity for which it is currently equipped and authorized as indicated by the name of the commodity stenciled on the tank in accordance with the marking requirements of the specification, the owner of the car, or party authorized by the owner, must secure approval for changes in the stenciled name, manhole closure, safety valve, induction and eduction valves and pipes, and such other changes as are necessary to make the car suitable for the new service. The party making the changes must file with the Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a certificate showing the approved changes made and the date same were performed in the following form:

CERTIFICATE OF CHANGES

ACCOUNT LADING SERVICE TRANSFER

To Bureau of Explosives; to Car Owner; to Secretary, Mechanical Division, A. A. R.:

It is hereby certified that changes as listed below, approved by the A. A. R. Committee on Tank Cars under Application No. _____ Revision _____ on _____ (a) _____ have been made on cars _____ (b) _____ and

PART 73—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO THESE REGULATIONS

The following amendments are made to § 72.5 (formerly part of sec. 4, List of Explosives and Other Dangerous Articles, order August 16, 1940, as amended).

§ 72.5 List of explosives and other dangerous articles.

these cars, changed as shown, comply with all applicable requirements prescribed as of this date by the I. C. C. Regulations for Transportation of Explosives and Other Dangerous Articles and the A. A. R. Specifications for Tank Cars, for tank cars authorized to be used for shipments of _____ (c) _____

| Item | Existing drawing No., (d) | Revision | Changed to drawing No., | | Revision |
|---|---------------------------|----------|-------------------------|---------|----------|
| | | | (d) | (e) | |
| 1. Manhole closure..... | | | | | |
| 2. Safety valve..... | | | | | |
| 3. Induction valves..... | | | | | |
| 4. Eduction valves..... | | | | | |
| 5. Check valves..... | | | | | |
| 6. Eduction pipes..... | | | | | |
| 7. Gauging device..... | | | | | |
| 8. Thermometer well..... | | | | | |
| 9. Sampling valve..... | | | | | |
| 10. Dome fittings—arrangement..... | | | | | |
| 11. Protective housing—arrangement..... | | | | | |
| 12. Lading service stenciling..... | | | Obiterated | Applied | |

The above described changes were made by _____

(Name of company) at _____ (Place)

(Date)

(By) _____

(Title) _____

(Date) _____

- (a) Insert date of A. A. R. approval.
(b) Insert initials and numbers of cars being reported on.
(c) Insert proper shipping name as listed in § 72.5.
(d) Insert "NONE" opposite items not used on the tanks.
(e) Insert "NO CHANGE" opposite items not changed.

2. Section 73.31 (g) note 2 (formerly sec. 31 (g) note 2, order March 29, 1944), is amended to read as follows:

NOTE 2: Because of the present emergency and until May 1, 1950, spec. ARA-IV and ICC-104 tank cars converted and stenciled as provided in Note 15 to § 73.303 (q) (1) may be used for the transportation of petroleum alkylate, isopentane, or any other inflammable liquid having vapor pressure not exceeding 40 pounds per square inch, absolute, at 100° F., without changing the stenciled markings, provided the effective discharge area of the safety valves with which these cars are equipped can be proved, by the method of calculation shown in Appendix A of the A. A. R. Specifications for Tank Cars, to be equal to or greater than the area calculated as necessary for each particular material transported, in order to prevent building up pressures within the tank in excess of 60 pounds per square inch.

3. Section 73.31 (i) (formerly sec. 31 (i), order August 16, 1940), is amended to read as follows:

(i) Before tank cars are loaded, the shipper must examine the tanks and their appurtenances to see that the safety and outlet valves, the safety vents, the excess flow valves (if any), the closures of all openings, and the protective covers of all appurtenances are in proper condition. Tanks with bottom discharge outlets must have their outlet caps off during entire time tanks are being loaded. After loading, tanks which show any dropping of liquid contents at the seams or rivets, or with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, must not be offered for transportation until proper repairs have been made.

SUBPART C—INFLAMMABLE (FLAMMABLE) LIQUIDS

1. Section 73.103 (h) (formerly sec. 103 (h), order November 8, 1941), is canceled.

2. Section 73.109 (f) (formerly sec. 109 (f), order March 7, 1949), is amended to read as follows:

(f) Spec. 104A, 104A-W, or ARA-IVA—Tank cars. See note 1, § 73.110 (c) (8). (See § 73.423 for shipping instructions.)

(Note remains unchanged.)

3. Section 73.109 (h) (formerly sec. 109 (h), order November 8, 1941), is canceled.

4. Section 73.183 (formerly sec. 183, order August 16, 1940), is amended by adding paragraph (e), as follows:

(e) Spec. 6K—Metal drums. Authorized only for carload or truckload shipments by rail freight or highway when loaded by the shipper and unloaded by the consignee or his duly authorized agent. Each drum must be air tested for leakage at not less than 7 p. s. i. before each refilling.

SUBPART D—INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

Section 73.206 (a) (2) (formerly sec. 206 (a) (2), order August 16, 1940), is amended to read as follows:

(2) Spec. 15A or 15B. Wooden boxes, with hermetically sealed (soldered) metal inside containers. Inside metal containers of welded construction closed

by means of air tight pipe fittings of screw thread type are also authorized when such containers are adequately cushioned and so blocked in the outside container that closures cannot come in contact with interior surface of outside container during transportation.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS

1. Section 73.249 (k) (formerly sec. 249 (k), order September 21, 1949), is amended to read as follows:

(k) Spec. 12B. Fiberboard boxes with inside containers made of polyethylene,

or other material resistant to lading, except glass bottles. Inside containers must not exceed 16 ounces capacity each and be adequately cushioned against breakage.

2. Section 73.262 (formerly sec. 262, order August 16, 1940), is amended by adding paragraph (f), as follows:

(f) Spec. 103B. Tank cars.

SUBPART F—COMPRESSED GASES

1. In § 73.303 (k) table (formerly sec. 303, par. (k) table, order August 16, 1940), is amended as indicated below:

| Kind of gas | Maximum permitted filling density (see § 73.303 (b)) | Cylinders marked as shown in this column must be used except as provided in note 1 and § 73.303 (p) (2) to § 73.303 (p) (6), inclusive |
|---------------------------------|--|--|
| (Add) | Percent | |
| Dimethylamine, anhydrous..... | 50 | ICC-3A150; ICC-3B150; ICC-4B150; ICC-4BA150. |
| Trimethylamine, anhydrous..... | 57 | ICC-3A150; ICC-3B150; ICC-4B150; ICC-4BA150. |
| (Change) | | |
| Monomethylamine, anhydrous..... | 66 | ICC-3A150; ICC-3B150; ICC-4B150; ICC-4BA150. |

2. In § 73.303 (q) (1) table (formerly sec. 303, par. (q) (1) table, orders August 16, 1940 and November 4, 1946), is amended as indicated below:

| Name of gas | Maximum permitted filling density, note 1 | Required type of tank car, note 2, or motor vehicle |
|-----------------------------------|---|---|
| (Add) | Percent | |
| Dimethylamine, anhydrous..... | 50 | ICC-106A500. |
| | 62 | ICC-105A300. |
| Monomethylamine, anhydrous..... | 66 | ICC-106A500. |
| | 62 | ICC-105A300. |
| Trimethylamine, anhydrous..... | 57 | ICC-106A500. |
| | 59 | ICC-105A300. |
| (Cancel) | | |
| Nonliquefied hydrocarbon gas..... | Note 3 | Note 7, ICC-107A. |

3. Section 73.303 (q) (1) note 7 (formerly sec. 303 (q) (1) note 7, order February 24, 1947), is amended to read as follows:

NOTE 7. Before any ICC-107A tank car may be used for shipments of hydrogen the following requirements must be complied with. Each tank must be equipped with one or more safety devices of approved type and discharge area, the discharge outlet of each safety device must be connected to a manifold having an unobstructed discharge area of at least one and one-half times the total discharge area of the safety devices connected to the manifold; all manifolds must be connected to a single common header having an unobstructed discharge outlet pointing upward and extending above top of the car; the header and the header outlet must each have an unobstructed discharge area at least equal to the total discharge area of the manifolds connected to the header; the header outlet must be equipped with an approved ignition device which will instantly ignite any hydrogen discharged through the safety devices.

4. Section 73.303 (q) (1) note 15 (formerly sec. 303 (q) (1) note 15, order February 26, 1942), is amended to read as follows:

NOTE 15. Because of the present emergency and until May 1, 1950, specification ARA-IV and ICC-104 tank cars, converted as follows, are authorized for use:

Tank must be tested to 75 pounds per square inch hydrostatic pressure and show no leakage with lagging removed.

Bottom discharge outlet must be removed, the opening closed with a riveted plate, and a sump applied.

Safety valves must be removed and replaced by two safety valves of the type and size used on ICC-104A tank cars but set to open at 60 pounds per square inch instead of 75 pounds.

The various approved dome fittings now required on ICC-104A tank cars must be installed in an approved manner to provide for the loading, unloading, gaging, sampling, and taking of temperature of contents without removing the manhole closure.

Tank jacket must be stenciled immediately above the mark ARA-IV or ICC-104 with the words "For liquefied petroleum gas not exceeding 65 pounds gage pressure at 105° F. only."

SUBPART G—POISONOUS ARTICLES

1. Section 73.356 (f) (formerly sec. 356 (f), order February 24, 1947), is amended to read as follows:

(f) Spec. 17E, or 17H. Metal drums (single-trip). Net weight not over 475 pounds.

2. Section 73.369 (a) and (b) (formerly sec. 404 (a) and (b), order October 24, 1947) are amended to read as follows:

RULES AND REGULATIONS

(a) Each outside container of radioactive material Group I or II, unless exempt by § 73.367, must be labeled with a properly executed label as shown below:

RADIOACTIVE MATERIALS LABEL
(Red Printing on White)

4 INCHES

HANDLE CAREFULLY
RADIOACTIVE MATERIAL

CLASS D POISON GROUP I or II

NO PERSON SHALL REMAIN WITHIN THREE FEET OF THIS CONTAINER UNNECESSARILY.

DO NOT PLACE UNDEVELOPED FILM WITHIN 15 FEET OF THIS CONTAINER.

PRINCIPAL RADIOACTIVE CONTENT _____

ACTIVITY OF CONTENTS _____

RADIATION UNITS FROM PACKAGE NO. _____

Not more than 40 units shall be loaded in one car or one motor vehicle or held at one location.

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the Regulations prescribed by the Interstate Commerce Commission, and the Civil Air Regulations.

SHIPPER'S name required hereon for shipments by EXPRESS

(b) Each outside container of radioactive material Group III must unless exempt by § 73.367, be labeled with a properly executed label as shown below:

RADIOACTIVE MATERIAL LABEL
(Blue printing on white)

4 INCHES

HANDLE CAREFULLY
RADIOACTIVE MATERIAL

EMITTING CORPUSCULAR RAYS ONLY

Name of contents _____

CLASS D POISON
Group III

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the Regulations prescribed by the Interstate Commerce Commission, and the Civil Air Regulations.

SHIPPER'S name required hereon for shipments by EXPRESS

PART 73A¹—SLIPPING CONTAINER SPECIFICATIONS

1. Section 73a.1C (formerly spec. 1C, order August 16, 1940), is amended by adding the following:

- 7 (e). Does not apply.
7 (f). Does not apply.
10. Does not apply.

2. Section 73a.5B-7 (formerly par. 7 of spec. 5B, order August 16, 1940), is amended to read as follows:

§ 73a.5B-7 *Parts and dimensions.* As follows:

| Marked capacity not over (gallons) | Type of container | Minimum thickness in the blank (gage, U. S. standard) | | Rolling hoops | | |
|------------------------------------|-------------------|---|------------|---------------|---------------------|--------------------------|
| | | Body sheet | Head sheet | Type | Size (gage or inch) | Weight (pounds per foot) |
| 8 | St. side | 24 | 24 | None | | |
| 10 | do | 22 | 22 | None | | |
| 15 | do | 20 | 20 | (1) | | |
| 33 | do | 18 | 18 | (1) | | |
| 55 | do | 16 | 16 | (1) | | |
| 119 | do | 13 | 14 | (1) | | |
| 33 | Bilge | 16 | 16 | None | | |
| 55 | do | 14 | 14 | None | | |

¹ Rolled or swaged in hoops.

3. Section 73a.5C-3 (b) (formerly par. (b) of spec. 5C, order August 16, 1940), is amended to read as follows:

(b) Type 304 or other grades of equivalent corrosion resistant steels in the as-welded condition are permissible for nitric acid concentrations up to and including 78 percent. For all concentrations of nitric acid the following are permissible:

- (1) Type 304 heat-treated (quenches from 1,900° F.), or
(2) Stabilized type 347 in the as-welded condition, or
(3) Stabilized type 347 stress-relieved (1,550°-1,650° F.), or
(4) Stabilized type 347 heat-treated (quenched from 1,900° F.), or
(5) Other grades of equivalent corrosion resistance.

4. Section 73a.5C-9 (e) (formerly par. 9 (e) of spec. 5C, order September 21, 1949), is amended to read as follows:

(e) Openings over 2.3 inch diameter not permitted. For containers over 15 gallons marked capacity, threads for plug or cap must be 8 or less per inch when over ¾ inch standard pipe size; thread diameters and thread form must conform to those shown by drawing in specification 5A; other details on drawings are recommended.

5. Add § 73a.6K (Specification 6K (order August 16, 1940)), as follows:

§ 73a.6K *Specification 6K; steel barrels or drums.* Removable head containers which will pass all required tests are authorized.

Containers must comply with specification 5A except as follows (paragraph references are to specification 5A):

5. (a), (b), and (c). These paragraphs do not apply.
6. Does not apply.

§ 73a.6K-7 *Parts and dimensions.* As follows:

| Marked capacity not over (gallons) | Authorized gross weight (pounds) | Type of container | Minimum thickness in the blank (gage, U. S. standard) | | Rolling hoops | | |
|------------------------------------|----------------------------------|-------------------|---|------------|---------------|---------------------|--------------------------|
| | | | Body sheet | Head sheet | Type | Size (gage or inch) | Weight (pounds per foot) |
| 55 | 480 | St. side | 18 | 18 | (1) | | |

¹ Rolled or swaged in hoops.

§ 73a.6K-9 (a) *Closures.* Adequate to prevent leakage; gaskets required. Closures must be of screw-thread type or secured by positive fastening.

9. (c), (d), and (e). These paragraphs do not apply.

§ 73a.6K-11 (a) *ICC-6K480.* This mark shall be understood to certify that the container complies with all specification requirements.

§ 73a.6K-13 (a) *Test by dropping.* filled with dry, finely powdered material to the authorized gross weight, from

height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(b) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

§ 73a.6K-14 *Leakage test.* Each container shall be tested, with seams under

water or covered with soapsuds or heavy oil, by interior air pressure of at least 7 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every four months. Samples so tested must be retained until further tests are made.

6. Section 73a.12C (formerly spec. 12C, order August 16, 1940) is amended by adding the following: 26 to 37 inclusive. These paragraphs do not apply.

7. Section 73a.12D (formerly spec. 12D, order August 16, 1940) is amended by adding the following: 26 to 37 inclusive. These paragraphs do not apply.

8. Section 73a.12E paragraphs 26, 27, 28, 29 and 30 (formerly spec. 12E paragraphs 26, 27, 28, 29 and 30, order August 16, 1940), is amended to read as follows: 26 to 37 inclusive. These paragraphs do not apply.

9. Section 73a.23G-12 paragraph (d) (formerly par. 12 (d), order January 23, 1946), is canceled.

10. Add Specification MC 330 (order August 16, 1940), as follows:

§ 73a.MC330 *Specification MC 330; steel cargo tanks.*

§ 73a.MC330-1 *Requirements for design and construction.* (a) Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1946 Edition, except that construction under Par. U-70 is not authorized; or (2) the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1943 Edition, (either or both hereinafter referred to as "the Code") except that hydrostatic tests required by Par. 525 shall be made at 2 times instead of at 1½ times the design working pressure, and hammer tests where required by Par. 525 shall be made at 1½ times instead of at 1¼ times the design working pressure of the tank. Compliance with the following shall not be required: Par. U-2 to U-10 inclusive and U-19 of the aforesaid A. S. M. E. Code; Par. 60½ to 606 inclusive and section 1 and appendix to section 1 of the aforesaid A. P. I.-A. S. M. E. Code.

(b) Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank. Exceptions: (1) The openings for liquid-level gauging devices, or for safety devices, may be installed separately at the other location or in the side of the shell; (2) One plugged opening of 2 inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere.

§ 73a.MC330-2 *Material.* (a) All material used for the construction of the tank and appurtenances shall be suitable

¹ Formerly part of Part 3.

for use with the commodity to be transported therein.

(b) Material of thickness less than $\frac{3}{16}$ inch shall not be used for the shell, heads, and protective housings specified in Par. 5.

§ 73a.MC330-3 *Design working pressure.* The design working pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F., or as prescribed for a particular commodity by these regulations, except that in no case shall the design working pressure of any container be less than 100 psig. When corrosion factor is prescribed by these regulations, the wall thickness of the tank calculated in accordance with the "Code" shall be increased by 20 percent of 0.10 inch, whichever is less.

Note: The term "design working pressure" as used in this specification is identical to the term "maximum allowable working pressure" as used in the Code.

§ 73a.MC330-4 *Provisions for anchoring tanks to motor vehicles.* (a) Except as provided in paragraph (c) of this section, adequate "hold-down" devices shall be provided which will anchor each tank used as part of any motor vehicle in a suitable and safe manner that will not introduce undue concentration of stresses. These devices shall incorporate turnbuckles or similar positive devices for drawing the tank down tight on the frame of the motor vehicle. Suitable stops or anchors shall be attached to the motor vehicle and the tank to prevent relative movement between them due to stopping, starting, or changes in direction.

(b) The means of attachment of any tank to the cradle, frame, or chassis of a motor vehicle shall be designed with a factor of safety of not less than four, and be built to withstand loadings in any direction equal to two times the weight of the tank and attachments when filled with water.

(c) Whenever any tank motor vehicle is so designed and constructed that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame, then such cargo tanks shall be designed so as successfully and adequately to withstand the stresses thereby imposed in addition to those covered by The Code.

(d) Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance.

§ 73a.MC330-5 (a) *Protection of valves and accessories.* All valves, fittings, accessories, safety devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

(b) Protective housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed with a minimum factor of safety of four to withstand loadings in any direction equal to two times the weight of the tank and attachments when filled with water.

§ 73a.MC330-6 *Name plate.* (a) In addition to the markings required by the "Code", under which tanks were con-

structed, they shall have permanently affixed, on one of the heads of the tank, a metal plate. This plate shall be permanently affixed by means of soldering, brazing, or welding around its perimeter. Neither the plate itself nor the means of attachment to the tank shall be subject to destructive attack by the contents of tank. On unlagged tanks the plate shall be in a place readily accessible for inspection. On lagged tanks an additional identical plate shall be permanently affixed to the jacket readily accessible for inspection. Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or onto the metal of the plate itself the following information in characters at least $\frac{3}{8}$ inch high:

Manufacturer's name _____ Serial No. _____
Owner's Serial number _____
I. C. C. Specification number _____
Water capacity (pounds) _____
Tare weight (pounds) _____
Design working pressure (p. s. i. g.) _____
Original test date _____
Tank retested at _____ (p. s. i. g.) on _____

(b) All tank outlets and inlets, except safety relief valves, shall be marked to designate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling density.

§ 73a.MC330-7 *Report.* A copy of the manufacturer's data report required by the "Code" under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives. In addition, the manufacturer or owner shall register each

tank with the Bureau of Explosives in the following form:

Place _____
Date _____

CARGO TANK

Manufactured for _____ Company
Location _____
Manufactured by _____ Company
Location _____
Consigned to _____ Company
Location _____
Size _____ feet outside diameter by _____ long.
Marks on tank as prescribed by Par. 6 of this specification are as follows:
Manufacturer's name _____
Serial number _____
Owner's serial number _____
I. C. C. Specification _____
Code symbol _____
Date of manufacture _____
Water capacity (pounds) _____
Tare weight (pounds) _____
Design working pressure (p. s. i. g.) _____
It is hereby certified that this tank is in complete compliance with the requirements of ICC Specification No. _____.
(Signed) _____
(Manufacturer or owner)

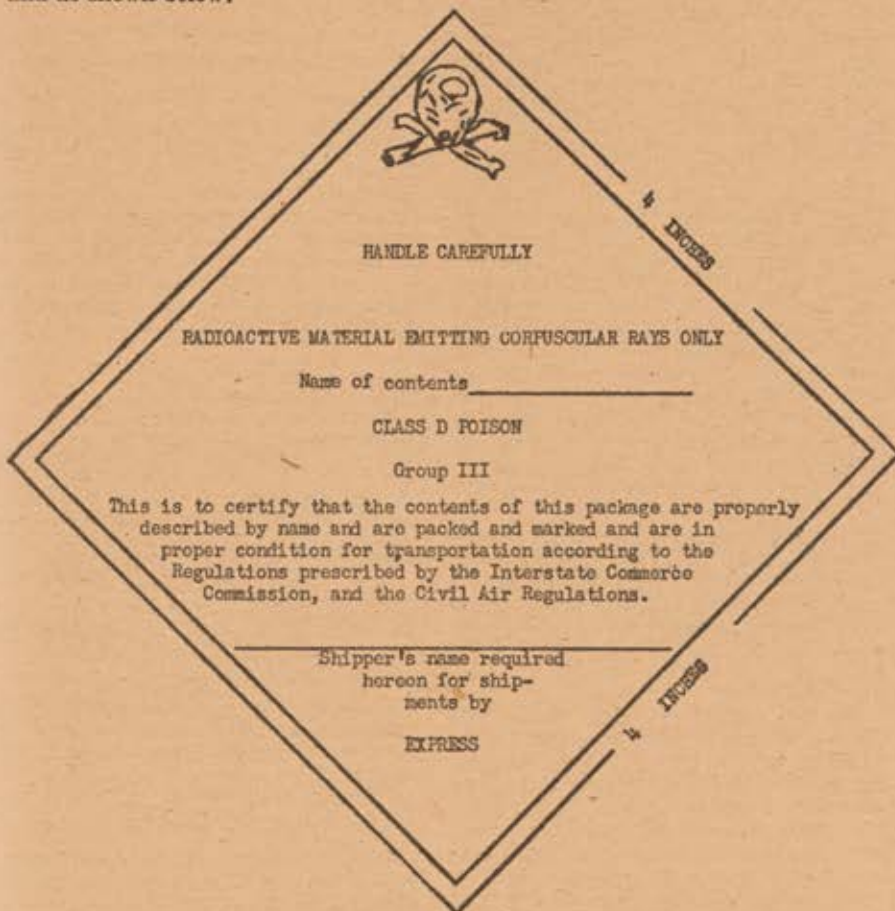
SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Section 73.404 (t) and (u) (formerly sec. 404 (t) and (u), order October 24, 1947), are amended to read as follows:

(t) Labels for radioactive materials (Class D poisons) Group I and Group II must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring $3\frac{1}{2}$ inches on each side, as shown below:

This label must be duly executed by the shipper.

(u) Labels for radioactive materials (Class D poisons) Group III must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in blue letters inside of a blue-line border measuring $3\frac{1}{2}$ inches on each side, and as shown below:



SUBPART I—SHIPPING INSTRUCTIONS

Section 73.421 note (formerly sec. 421, note, order February 3, 1948), is amended to read as follows:

NOTE: For the relief of shippers from multiplicity of certifications required for packages which may move by carriers by water, including combustible liquids and hazardous articles, such shipments may be certified for rail, motor vehicle, water transportation, or air transportation, as follows:

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Commandant of the Coast Guard, or,

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Civil Air Regulations.

PART 74—REGULATIONS APPLYING TO CARRIERS BY RAIL FREIGHT

SUBPART C—PLACARDING ON CARS

Section 74.545 (e) (formerly sec. 545, par. (e), order August 16, 1940), is amended, and paragraph (f) is added to read as follows:

(e) Carrier's or shipper's name and stationery form number may be printed on placards in type not larger than 10

point, but must be printed thereon separate from any placard wording.

(f) When the tag board placards bear wording prescribed in § 74.551 (a), *And provided*, The wording prescribed by § 74.563 (c) appears on the reverse side thereof, the words "removed or" may be omitted or the word "removed" changed to "reversed", as the case may be.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

Section 74.589 (i) (2) (formerly sec. 589 (i) (2), order May 19, 1949), is amended to read as follows:

(2) A car or cars placarded "Explosives" shall be next to and ahead of a car occupied by guards accompanying such car, except that when the car occupied by guards is equipped with a heater it shall be the fourth car behind the car or cars placarded "Explosives."

PART 77—REGULATIONS APPLYING TO SHIPMENTS MADE BY COMMON, CONTRACT OF PRIVATE CARRIERS BY PUBLIC HIGHWAY

Section 77.823 (a) (formerly sec. 823, par. (a), order October 24, 1947), is amended to read as follows:

§ 77.823 *Marking on motor vehicles and trailers other than tank motor vehicles.* (a) Every motor vehicle transporting any quantity of dangerous explosives, class A, poison gas, class A, or radioactive material, poison class D

requiring red radioactive materials label; and every motor vehicle transporting 2,500 pounds gross weight or more of explosives, class B, flammable liquids, corrosive liquids, compressed gas and tear gas, or 5,000 pounds gross weight or more of two or more articles of these groups shall be marked or placarded on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background as follows:

- | | |
|-----------------------------|---------------------------------|
| (1) Explosives, class A.... | Explosives. |
| (2) Explosives, class B.... | Dangerous. |
| (3) Flammable liquid.... | Dangerous. |
| (4) Corrosive liquid.... | Dangerous. |
| (5) Compressed gas.... | Compressed Gas. |
| (6) Poison gas, Class A.... | Poison Gas. |
| (7) Tear gas.... | Dangerous. |
| (8) Dangerous, class D.... | Dangerous-Radioactive Material. |

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on April 23, 1950, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(62 Stat. 738, 18 U. S. C. 831-835, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-954; Filed, Feb. 9, 1950; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Corr. to Amdt. 206]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Corr. to Amdt. 205]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW YORK

Item 3 of Amendment 206 to the Controlled Housing and Rent Regulation (§§ 825.1 to 825.12) and of Amendment 205 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92), issued January 5, 1950, and effective January 6, 1950, is corrected to read as follows:

3. Schedule A, Item 199, is amended to describe the counties in the Defense-Rental Area as follows:

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In Albany County, the Cities of Albany, Cohoes and Watervliet, and the Towns of Bethlehem, Colonie, Green Island, Guilderland and New Scotland; and in Rensselaer County, the Cities of Troy and Rensselaer and the Towns of Brunswick, East Greenbush, Hoosick and North Greenbush.

This decontrols the entire Albany-Troy, New York, Defense-Rental Area, except the cities and towns listed above, based on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This correction shall be effective as of January 6, 1950.

Issued this 7th day of February 1950.

TICHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-1185; Filed, Feb. 9, 1950;
8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5770]

PART 455—REGULATIONS UNDER SECTION 3792, INTERNAL REVENUE CODE

REWARDS FOR INFORMATION LEADING TO THE DETECTION AND PUNISHMENT OF PERSONS VIOLATING INTERNAL REVENUE LAWS

PARAGRAPH 1. The following regulations relating to section 3792, Internal Revenue Code, are hereby adopted:

SEC. 3792. EXPENSES OF DETECTION AND PUNISHMENT OF FRAUDS. [Internal Revenue Code, as amended by section 12, Public Law 271 (81st Cong.), approved August 27, 1949.]

The Commissioner, under regulations prescribed by him with the approval of the Secretary, is authorized to pay such sums, not exceeding in the aggregate the sum appropriated therefor, as he may deem necessary for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law.

§ 455.1 *Rewards for information leading to the detection and punishment of persons violating internal revenue laws.* (a) The Commissioner of Internal Revenue is hereby authorized to pay such reward as he shall deem suitable for information that shall lead to the detection and punishment of persons guilty of violating the internal revenue laws, or conniving at the same. No person who was an officer or employee of the Department of the Treasury at the time he came into possession of his information or at the time he divulged it shall be eligible for reward under the regulations in this part.

(b) The rewards hereby authorized are limited in their aggregate to the sum appropriated therefor and shall be paid only in cases not otherwise provided for by law. Payment of rewards will be made as promptly as the circumstances of the case permit. All relevant factors, in-

cluding the value of the information furnished in relation to the facts developed by the investigation of the violation, are taken into account by the Commissioner of Internal Revenue in determining whether a reward shall be paid, and, if so, the amount thereof. No person is authorized under the regulations in this part to offer, promise, or otherwise bind the Commissioner as to the payment of any reward or the amount thereof.

(c) Information relative to violations of the internal revenue laws, furnished by persons desiring to claim rewards under the provisions of the regulations in this part, may be submitted in writing to the Commissioner of Internal Revenue, Washington 25, D. C., or to the Office of the Intelligence Unit, the Technical Staff, the Internal Revenue Agent in Charge or the Collector of Internal Revenue, in the locality in which the informant resides, or it may be given in person to the Office of the Chief of the Intelligence Unit in Washington, D. C., or to any of the above-mentioned field offices.

(d) If the information is given in person, either orally or in writing, the name and official title of the person to whom it is given should be ascertained, as this information, together with the date on which the information was given, must be included in the formal claim for reward when filed.

(e) An informant who intends to claim a reward should notify the person to whom he gives his information of such intention, and should file formal claim therefor as soon thereafter as practicable. Claim for reward under the provisions hereof shall be made on Form 211, which may be obtained from Collectors of Internal Revenue, from the Office of the Internal Revenue Agent in Charge, or from the Bureau of Internal Revenue at Washington 25, D. C. Such claims for reward should be transmitted to the Commissioner of Internal Revenue, Washington 25, D. C., for the attention of the Chief Counsel.

PAR. 2. Treasury Decision 5661, approved October 8, 1948 (26 CFR 455.1), is hereby revoked.

(53 Stat. 467; 26 U. S. C. 3791. Interprets or applies 53 Stat. 467; 26 U. S. C. 3792)

Because this Treasury decision relates only to the Bureau procedure and practice as to rewards, and merely makes technical changes pursuant to amendments made by Public Law 271, 81st Congress, approved August 27, 1949, it is hereby found that it is unnecessary to issue this Treasury decision with notice of public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: February 6, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 50-1169; Filed, Feb. 9, 1950;
8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

VOLUNTARY CALL TO EXTENDED ACTIVE DUTY

Regulations contained in §§ 861.901 to 861.907 inclusive (14 F. R. 7351) are hereby revised.

Pursuant to the authority conferred by secs. 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C. Sup. II, 626 (f), 626c (e)), Transfer Order 2, October 1, 1947 (12 F. R. 6736), and cited laws, the following regulation is hereby prescribed:

| Sec. | |
|---------|--|
| 861.901 | General. |
| 861.902 | Eligibility. |
| 861.903 | Restrictive recall purposes. |
| 861.904 | Physical qualifications. |
| 861.905 | Responsibility for calling officers to extended active duty. |
| 861.906 | Application by Reserve Officers. |
| 861.907 | Procedure upon selection for active duty; Air Force Reserve. |
| 861.908 | Application by officers of the Air National Guard of the United States. |
| 861.909 | Procedure upon selection for active duty; Air National Guard of the United States. |
| 861.910 | Issuance of orders. |

AUTHORITY: §§ 861.901 to 861.910 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 515; 61 Stat. 908; 10 U. S. C. Sup. II, 506d.

DERIVATION: AFR 45-4.

VOLUNTARY CALL TO EXTENDED ACTIVE DUTY

§ 861.901 *General.* Voluntary calls or recalls to extended active duty will be made by the Department of the Air Force to provide the Air Force with an input of Reserve officers in an age range and of a quality that will constitute both a source of selection for Regular commissions and an addition to mobilization resources of maximum future value. Numbers and types of officers to be called to extended active duty will be as directed by the Chief of Staff, United States Air Force. Tours of duty will be on a voluntary basis for the duration of three years unless sooner relieved for the convenience of the Government. The duration of a normal three-year tour of extended active duty will be computed as commencing on the first day of the first month following the officer's effective date of duty as shown on the order calling the officer to active duty. However, officers called to active duty and immediately detailed to a technical or flying training school will commence their three-year tour on the day after completion of the training. Accrued leave will be computed as part of the prescribed tour; therefore, accrued leave will be included within the contracted three-year period.

§ 861.902 *Eligibility.* As a result of limitations imposed from time to time by the annual troop program, the Chief of Staff, United States Air Force, may at various intervals add other criteria such as age, education, and efficiency index to the requirements listed below. To be in-

initially eligible for extended active duty, the applicant:

(a) Must hold a current commission in the United States Air Force Reserve or Air National Guard of the United States.

(b) Must agree to accept extended active duty in a grade not higher than the grade in which the applicant served in the Army of the United States, Air Force of the United States, or other branches of the Armed Services immediately prior to processing for relief from active duty, except that newly commissioned officers without prior military service may be called to active duty in the grade in which appointed. (See § 861.903 (b))

(c) Must agree to accept any down-grade readjustment, if considered necessary, or elect to be separated from the service in the same manner as all officers of the Reserve Forces on extended active duty.

(d) Must be an active member of the Organized or Volunteer Reserve of the United States Air Force Reserve or the Air National Guard of the United States. However, Volunteer Reservists who have received a waiver of points under § 861.3 (b) (4) (14 F. R. 7337), are not eligible for consideration for call to extended active duty under the provisions of §§ 861.901 to 861.910.

(e) In the case of a rated officer otherwise qualified, may be recalled to extended active duty in a nonflying status provided:

(1) He possesses qualifications essential to the immediate needs of the Air Force as a nonrated officer and,

(2) His prospective duties do not require him to participate in regular or frequent aerial flights and,

(3) He voluntarily requests permanent suspension from flight status and submits the following signed statement with his application:

If I am accepted for recall in a nonflying capacity, I hereby voluntarily request permanent suspension from flying status.

(f) In the case of a female officer, must not have a dependent or dependents under 18 years of age or a child or children under 18 years of age. The fact that the applicant does not have legal custody of the child or children will not remove this disqualification.

§ 861.903 *Restrictive recall purposes.* (a) Officers will not be called to extended active duty for the purpose of:

(1) Reclassification under the provisions of Air Force Regulation 36-2.

(2) Trial by courts-martial.

(3) Appearance as a witness in a military trial.

(4) Completion of a project left unfinished at the time of relief from active duty.

(5) Rectifying an error committed during a previous tour of active duty.

(6) Appearance before a retiring board.

(7) Primarily qualifying for retirement benefits under Public Law 810, 80th Congress (62 Stat. 1081; 10 U. S. C. Sup. II 1036).

(b) Officers appointed in the Reserve Forces under the provisions of §§ 861.301 to 861.308 (14 F. R. 7342-7346) will not

be eligible for extended active duty on a voluntary basis until they have fulfilled the prescribed minimum years of service in grade in the Organized Reserve of the United States Air Force Reserve or the Air National Guard of the United States as follows:

| Individual appointed as— | Must serve in the Reserve Forces— |
|--------------------------|-----------------------------------|
| Lieutenant | 2 years. |
| Captain or Major | 3 years. |
| Lieutenant Colonel | 4 years. |
| Colonel | 5 years. |

§ 861.904 *Physical qualifications.* All officers recalled to extended active duty must be found physically qualified for general service or general service with a waiver. In waiving physical defects, examining boards may make such recommendations as they believe to be in the best interest of the service. Waivers may be recommended in those cases where the applicant does not meet the physical standards prescribed in current directives, but where the physical defects:

(a) Are static in nature.

(b) Are not subject to complication or aggravation by reason of military duty.

(c) Will not interfere with the satisfactory performance of full duty.

(d) In the case of rated personnel, will not compromise flying safety or will not constitute an unacceptable limitation for unrestricted flying status.

(e) Will not involve hospitalization and/or other time lost from duty. (Officers who are granted waivers for physical defects as outlined herein will be classified as general service with waiver.)

§ 861.905 *Responsibility for calling officers to extended active duty.* The Commanding General, Continental Air Command, will be responsible for the over-all administration of calling officers of the Air Force Reserve, including Reserve personnel stationed or residing overseas, to extended active duty. Applicants not accepted or who do not qualify herein will be so notified.

§ 861.906 *Application by Reserve Officers.* All applications for extended active duty will be submitted on Air Force Form 125 as follows:

(a) *Officers of Organized Air Reserve or with mobilization designation.* Officers of the Organized Air Reserve or officers possessing a mobilization designation will forward their applications to the commanding general of the numbered air force charged with area responsibility, through the commanding officer of the activity to which assigned. All other Air Force Reserve officers, except as provided in paragraph (b) of this section, will forward their applications direct to the appropriate numbered air force. (See § 861.305 (d) (2), 14 F. R. 7345)

(b) *Civilians overseas.* (1) Civilians employed in an overseas military organization, will forward their applications through the commanding officer of the organization to which assigned or by which employed. The organization commander of the applicant will indorse the application to the overseas major air command concerned, indicating approval or disapproval. Oversea commands will forward the applications direct to the commanding general of the

appropriate numbered air force within Continental Air Command charged with area responsibility over the area in which the applicant resides.

(2) Civilian personnel employed in areas outside of the Continental limits of the United States where the Commander of Military Air Transport Service exercises all normal responsibilities and prerogatives of theater, the area or base commander will forward their applications through the commanding officer of the organization to which assigned to the Commander, Military Air Transport Service. The Commander of Military Air Transport Service will forward the applications direct to the commanding general of the appropriate numbered air force within Continental Air Command charged with area responsibility over the area in which the applicant resides.

(3) Personnel permanently or temporarily residing overseas, not included in subparagraphs (1) and (2) of this paragraph, where there are no authorized Reserve activities, will forward their applications direct to the Commanding General, Continental Air Command.

(c) *Approval.* The approval of an application by the organization commander or the overseas commander of the applicant does not insure that the applicant will be ordered to active duty as selections are based on the over-all needs of the Air Force.

(d) *Change in status.* Any change of status which might have an effect on the recall of an applicant to active duty will be reported by the applicant to the Commanding General, Continental Air Command, or commanding general of the appropriate numbered air force who received the original application.

§ 861.907 *Procedure upon selection for active duty; Air Force Reserve—*(a) *Continental United States.* Upon being selected for active duty, the applicant will be so notified by the commanding general of the numbered air force charged with area responsibility and prior to being ordered to active duty will be directed to:

(1) Undergo a final type physical examination without expense to the Government for either travel or pay. Standard Form 88, "Report of Medical Examination," will be used for either rated or nonrated personnel.

(2) Complete Standard Form 89, "Report of Medical History."

(3) Complete the Personal History Statement, WD AGO Form 643a (in quintuplicate).

(4) Accomplish Military Fingerprint Card (original only).

The above mentioned forms will be furnished each selected applicant by the appropriate numbered air force. They will be completed, duly signed, witnessed and returned to the numbered air force by the applicant as soon as practicable.

NOTE: Prior to issuance of orders on selected chaplain applicants, the application, allied papers, and completed forms as listed in subparagraphs (1)-(4) of this paragraph will be forwarded by the numbered air forces direct to the Chief of Air Force Chaplains, Headquarters United States Air Force, Washington 25, D. C., for necessary ecclesiastical processing. Upon completion of this proc-

essing the application and allied papers will be returned through personnel channels to the appropriate numbered air force for issuance of orders.

(b) *Overseas.* Upon selection for recall of an applicant stationed or employed overseas, the Commanding General, Continental Air Command, will request the appropriate overseas commander to require the applicant to undergo a final type physical examination, complete form WD AGO 643 (a) in quintuplicate and accomplish the fingerprint card. Orders will be issued by the overseas commander to those applicants found physically qualified.

§ 861.908 *Application by officers of the Air National Guard of the United States—(a) Submission.* Applications for extended active duty from officers of the Air National Guard of the United States will be submitted on Air Force Form 125 to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C., through the State or Territory adjutant general, who will indicate his approval or disapproval in his forwarding indorsement to the Chief, National Guard Bureau.

(b) *Approval.* The approval of an application by the State, or Territory adjutant general does not insure that the applicant will be ordered to active duty, as selections for recall are based on the over-all needs of the Air Force.

(c) *Change of status.* Any change of status which might have an effect on the recall of an applicant to active duty will be reported, by the applicant, to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C., through National Guard channels as indicated in paragraph (a) of this section.

§ 861.909 *Procedure upon selection for active duty; Air National Guard of the United States.* Upon being selected for active duty the applicant will be so notified by the Chief of Staff, United States Air Force, and prior to being ordered to active duty will be ordered to:

(a) Undergo a final type physical examination without expense to the Government for either travel or pay. Standard Form 88, "Report of Medical Examination," will be used for either rated or nonrated personnel.

(b) Complete Standard Form 89, "Report of Medical History."

(c) Complete the Personal History Statement, WD AGO Form 643a (in quintuplicate).

(d) Accomplish Military Fingerprint Card (original only).

(e) Furnish a certificate of clearance of Federal property or State funds from the appropriate State adjutant general. The above mentioned forms will be furnished each selected applicant by Headquarters United States Air Force. They will be completed, duly signed, witnessed, and returned to Headquarters United States Air Force by the applicant as soon as practicable.

§ 861.910 *Issuance of orders—(a) United States Air Force Reserve officers.* Orders calling Air Force Reserve officers voluntarily to extended active duty will be issued by either the Commanding General, Continental Air Command, or

the numbered air forces assigned to his command. Upon the request of the Commanding General, Continental Air Command, overseas commanders may issue orders calling applicants that are stationed within their command to extended active duty.

(b) *Officers of the Air National Guard of the United States.* Orders calling officers of the Air National Guard of the United States voluntarily to extended active duty will be issued by Headquarters United States Air Force.

(c) *When issued.* Orders will be issued as far in advance of the date of entry on active duty as possible.

(d) *Grade and status.* Officers will be ordered to duty in an Air Force of the United States grade and status and not in grade or status of the United States Air Force Reserve or Air National Guard of the United States. (Officer's permanent Reserve grade will not be affected.)

(e) *Effective date of duty.* The effective date of duty, which is also the effective date of change in strength accountability, is the date the officer is to depart from his home in compliance with orders.

(f) *Travel by private automobile.* Travel by private automobile (250 miles a day) is authorized only for personnel who were on active duty in an enlisted or warrant officer status and who enter on extended active duty in an officer status on the day following discharge. Other personnel are not authorized travel by private automobile (250 miles a day); however, this does not prohibit travel by private automobile: *Provided*, That the consumed travel time is not greater than it would be if travel were performed by common carrier.

(g) *Pay.* Pay begins to accrue on the date that the officer physically departs from his home in compliance with orders: *Provided*, That the departure is not prior to the effective date of duty as indicated in orders. (Officers departing from their home in advance of the effective date of duty do so at their own risk in the event of injury or cancellation of orders.)

(h) *Overseas personnel.* Orders calling applicants stationed or employed overseas to active duty will be issued by the overseas commander.

[SEAL]

L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-1151; Filed, Feb. 9, 1950;
8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 633]

OREGON

RESERVING PUBLIC LANDS WITHIN THE ROGUE RIVER NATIONAL FOREST FOR THE PROTECTION AND PRESERVATION OF SCENIC AND RECREATIONAL AREAS

By virtue of the authority vested in the President by the act of June 4, 1897, 30

Stat. 34, 36 (U. S. C. title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Rogue River National Forest, Oregon, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved, under the jurisdiction of the Secretary of Agriculture, for the protection and preservation of the Union Creek Recreational Area, and scenic areas adjacent to Alex Sparrow Memorial Highway to Crater Lake National Park, State Highway No. 230 toward Diamond Lake, and the Rogue River Channel:

WILLAMETTE MERIDIAN

T. 30 S., R. 3 E.

Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$;

Sec. 23, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, S $\frac{1}{2}$ of lot 4;

Sec. 34, S $\frac{1}{2}$ of lot 1, lots 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, lots 1, 2, 3, N $\frac{1}{2}$ of lot 4, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 36, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 31 S., R. 3 E.

Sec. 2, NW $\frac{1}{4}$ of lot 2, lots 3, 4, and N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 3, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 4, E $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 15, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 32, E $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 32 S., R. 3 E.,
 Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 5, lot 1, NE $\frac{1}{4}$ of lot 2, W $\frac{1}{2}$ of lot 3, E $\frac{1}{2}$ and NW $\frac{1}{4}$ of lot 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 6, NE $\frac{1}{4}$ of lot 1;
 Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 30 S., R. 4 E.,
 Sec. 5, lot 3, E $\frac{1}{2}$ of lot 4, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 6, W $\frac{1}{2}$ of lot 1, lot 2, NE $\frac{1}{4}$ and S $\frac{1}{2}$ of lot 6, lot 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, lots 1, 2, 3, and 4;
 Sec. 18, lots 1, 2, and NW $\frac{1}{4}$ of lot 3;
 Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ of lot 1;
 Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 31 S., R. 4 E.,
 Sec. 1, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 2, W $\frac{1}{2}$ and SE $\frac{1}{4}$ of lot 1, lot 2, N $\frac{1}{2}$ of lot 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 31 S., R. 5 E.,
 Sec. 6, lot 6, N $\frac{1}{2}$ of lot 7, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 9,297.59 acres.

This order shall take precedence over, but not otherwise affect, (1) the Proclamations of September 26, 1893, 28 Stat. 1240, January 25, 1907, 34 Stat. 3270, and March 2, 1907, 34 Stat. 3300, and Executive Orders No. 867 of June 30, effective July 1, 1908, and No. 5882 of July 9, 1932, setting aside certain lands for national-forest purposes and changing the names or boundaries of national forests; (2) the orders of the Secretary of the Interior of October 26, 1906, and December 20, 1907, reserving certain lands as Ranger Station No. 48 (Union Creek), and Browns Cabin Administrative Site, respectively, and (3) the withdrawal of April 2, 1936, for power purposes made under Federal Power Commission Project No. 1371.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 6, 1950.

[F. R. Doc. 50-1152; Filed, Feb. 9, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 914]

[AO 216]

HANDLING OF IRISH POTATOES GROWN IN NASSAU AND SUFFOLK COUNTIES, NEW YORK

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a public hearing to be held at Polish Hall, Riverhead (Long Island), New York, beginning at 9:30 a. m., e. s. t., February 27, 1950, with respect to a proposed marketing agreement and order regulating the handling of Irish potatoes grown in Nassau and Suffolk Counties, New York. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth.

A committee representing growers and shippers in Nassau and Suffolk Counties, New York drafted and requested a hearing on the following proposed marketing

agreement and order regulating the handling of potatoes in the proposed production area.

§ 914.1 Definitions. As used herein, the following terms have the following meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(c) "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of Nassau and Suffolk counties in the State of New York.

(e) "Potatoes" means all varieties of Irish potatoes grown within the production area.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(g) "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on May 1 of each year and ending April 30 following.

(j) "Committee" means the administrative committee called the Long Island Potato Committee established pursuant to § 914.2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of New York or other seed certification agencies which the Secretary may recognize.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(o) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(p) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161; CFR 51.366), or amendments thereto, or modifications thereof, or variations based thereon;

(2) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281; CFR 51.367), or amendments thereto, or modifications thereof, or variations based thereon.

(3) State of New York Standards for Potatoes issued by the Commissioner of Agriculture, State of New York, or amendments thereto, or modifications thereof, or variations based thereon.

(q) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(r) "District" means each one of the geographical divisions of the production area established pursuant to § 914.2 (c).

§ 914.2 Administrative Committee—

(a) *Establishment and membership* (1) The Long Island Potato Committee consisting of 10 members of whom 7 shall be producers and 3 shall be handlers is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) (i) Persons selected as committee members or alternates to represent producers shall be individuals who are producers or officers or employees of a corporate producer in the respective district for which selected.

(ii) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers or officers or employees of a corporate handler in the respective county for which selected.

(b) *Term of office.* (1) The term of office of committee members and their alternates shall be for two years beginning on the first day of the fiscal year and continuing until the end of the succeeding fiscal year and until their successors are selected and have qualified; *Provided, however,* That the terms of office of one half of the initial members and their respective alternates shall be for one year.

(2) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Districts.* (1) For the purpose of selecting producer committee members, the following districts of the production area are hereby established:

District No. 1. Shall include that part of Suffolk County included in the township of East Hampton, and that part of the township of Southampton situated east of the Shinnecock Canal.

District No. 2. Shall include the township of Southold and the township of Shelter Island in Suffolk County.

District No. 3. Shall include the township of Riverhead in Suffolk County.

District No. 4. Shall include the township of Brookhaven and that part of the township of Southampton situated west of the Shinnecock Canal in Suffolk County.

District No. 5. Shall include the township of Smithtown, the township of Islip,

the township of Huntington, and the township of Babylon, in Suffolk County.

District No. 6. Shall include Nassau County.

(2) For the purpose of selecting handler committee members, the following districts of the production area are hereby established:

District No. 1: Suffolk County.

District No. 2: Nassau County.

(3) The Secretary, upon the recommendation of the committee, may reestablish districts within the production areas and may reapportion committee membership among the various districts; *Provided,* That in recommending any such changes in districts or representation the committee shall give consideration to: (i) The relative importance of new areas of production; (ii) changes in the relative position, with respect to production of existing districts; (iii) the geographic location of production areas as it would affect the efficiency of administering the marketing agreement and order; and (iv) other relevant factors; *Provided further,* That there shall be no change in the total number of committee members or in the total number of districts.

(d) *Nomination.* The Secretary may select the members of the Long Island Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The Long Island Potato Committee shall hold or cause to be held prior to March 1 of each year, after the effective date hereof, a meeting or meetings of producers and of handlers respectively in each of the districts designated in paragraph (c) of this section in which the terms of office of committee members, and their respective alternates will terminate at the end of the then current fiscal year;

(ii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year;

(iii) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(iv) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(v) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vi) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates; *Provided,* That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; *Provided further,* That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(e) *Selection.* The Secretary shall select one producer member of the committee with his respective alternate from each of Districts Nos. 1, 2, 3, 4, and 5, and two producer members of the committee with their respective alternates from District No. 6, as such districts are defined in paragraph (c) (1) of this section. The Secretary shall select one handler member with his respective alternate from Nassau County, and two handler members with their respective alternates from Suffolk County.

(f) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (d) (2) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(g) *Acceptance.* Any person selected as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in paragraph (d) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(i) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(j) *Procedure.* (1) Seven members, including at least one handler member of the committee, shall be necessary to constitute a quorum and seven con-

curing votes, including at least a concurring vote of one handler member, will be required to pass any motion or approve any committee action.

(2) The committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(k) *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending to committee business.

(l) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit

shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

§ 914.3 Expenses and assessments—

(a) *Budget.* (1) The committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall also transmit to the Secretary a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

(2) The committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions hereunder and for such other purposes as may be appropriate pursuant to the provisions hereof.

(3) The funds to cover such expenses shall be required by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

(4) Upon recommendation of the committee or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

(b) *Accounting.* (1) If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(c) *Funds.* (1) All funds received by the committee pursuant to any provision

hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(i) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(ii) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

(2) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 914.4 Regulation—(a) Marketing

policy—(1) Preparation. At the beginning of each fiscal year the committee shall consider and prepare a proposed policy for the marketing of potatoes during such fiscal year. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(i) Market prices of potatoes, including prices by grade, size, and quality in wholesale or in consumer packs, or any other shipping unit;

(ii) Potatoes on hand in the market areas and as manifested by supplies en route and on track at the principal markets;

(iii) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) *Reports.* (i) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy. The committee shall also notify producers and handlers of the contents of such reports.

(ii) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy in accordance with the manner previously outlined. The committee shall also submit a report thereon to the Secretary and notify producers and handlers of such revised or amended marketing policy.

(b) *Committee recommendations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in paragraph (c) of this section, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in paragraph (c) (2) of this section.

(c) *Issuance of regulations.* (1) The Secretary shall limit the shipment of po-

tatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(i) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes or quality of any or all varieties of potatoes during any period; or

(ii) Regulate the shipment of particular grades, sizes or quality of potatoes differently for different varieties, for different portions of the production area, or any combination of the foregoing, during any period; or

(iii) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(2) The Secretary, whenever he finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to § 914.3 or subparagraph (1) of this paragraph, or both, in order to facilitate shipments of potatoes for the following purposes:

(i) For grading or storing in the production areas;

(ii) For seed;

(iii) For export;

(iv) For distribution by the Federal Government, for distribution by relief agencies, or for consumption by charitable institutions;

(v) For manufacture or conversion into specified products;

(vi) For livestock feed;

(vii) For other purposes which may be specified.

(3) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to § 914.3, this section or § 914.5, or any combination thereof.

(4) The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination of regulations pursuant to this section. The committee shall give reasonable notice thereof to handlers.

(d) *Safeguards.* (1) The committee, with the approval of the Secretary, may prescribe (i) adequate safeguards to prevent shipments pursuant to paragraph (c) (2) of this section from entering channels of trade for other than the specific purpose authorized therefor, and (ii) rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee.

(2) Safeguards, as prescribed herein, may include requirements that:

(i) Handlers shall file applications with the committee to ship potatoes pursuant to paragraph (c) (2) of this section;

(ii) Handlers shall obtain inspection provided by § 914.5 or pay the pro rata share of expenses provided by § 914.3, or both, in connection with potato ship-

ments effected under the provisions of paragraph (c) (2) of this section: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(iii) Handlers shall obtain Certificate of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of paragraph (c) (2) of this section.

(3) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in paragraph (c) (2) of this section were handled contrary to the provisions hereof.

(4) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(5) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

§ 914.5 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 914.3 or 914.4 or both, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service or such other inspection service as the Secretary shall designate. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate: *Provided however*, That (a) each handler making shipments of potatoes during such period shall, prior to making such shipment, determine if such shipment has been inspected and if such shipment has not been so inspected and is not covered by an inspection certificate, the handler making such shipment shall have the potatoes involved in such shipment inspected and shall arrange for a copy of the inspection certificate to be forwarded to the committee as aforesaid, and (b) each handler who first ships potatoes after such potatoes are regraded, resorted, repacked, or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided herein.

§ 914.6 *Exemptions.* (a) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(b) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee:

(1) That by reason of a regulation issued pursuant to § 914.4 he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped during

the entire season, or such portion thereof as may be determined by the committee by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) that by reason of a regulation issued pursuant to § 914.4 he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(d) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(e) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(f) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(g) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

§ 914.7 *Reports.* Upon the request of the committee, with approval of the Secretary every handler shall furnish to the committee, in such manner and at such

time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 914.8 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 914.9 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 914.10 *Effective time and termination—(a) Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before March 31 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(5) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during

the preceding fiscal year; but such termination shall be effective only if announced on or before March 31 of the then current fiscal year.¹

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 914.11 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 914.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 914.13 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 914.14 *Derogation.* Nothing contained herein is, or shall be construed

¹ Applicable only to the proposed marketing agreement.

to be in derogation or in modifications of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 914.15 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 914.16 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 914.17 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

§ 914.18 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ 914.19 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

§ 914.20 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.¹

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 6th day of February 1950.

[SEAL]

JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-1159; Filed, Feb. 9, 1950; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE FOR FILING OBJECTIONS TO ORDER
RESERVING PUBLIC LANDS WITHIN THE
ROGUE RIVER NATIONAL FOREST FOR THE
PROTECTION AND PRESERVATION OF SCENIC
AND RECREATIONAL AREAS¹

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 6, 1950.

[F. R. Doc. 50-1153; Filed, Feb. 9, 1950;
8:48 a. m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 9578]

BRAZORIA COUNTY BROADCASTING CO.
ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of A. T. Deere et al. d/b as Brazoria County Broadcasting Company, Freeport, Texas, for construction permit; Docket No. 9578, File No. BP-5511.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of February 1950;

The Commission having under consideration the above-entitled application which requests a permit to construct a new standard broadcast station to operate on frequency 1460 kilocycles, with 250 watts power, daytime only in Freeport, Texas;

It appearing, that, the applicant is technically and financially qualified to construct and operate the proposed station and that no objectionable interference would be involved with any existing broadcast station or with the services proposed in any pending applications for

broadcast facilities, but that the applicant may not meet the legal requirements for construction and operation of the proposed station and that the installation and operation of the proposed station may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at Washington, D. C., commencing April 14, 1950, upon the following issues:

1. To determine the legal and other qualifications of the applicant partnership and the partners to construct and operate the proposed station with particular reference to the qualifications of H. J. Griffith in the light of the matters in issue in the case of United States vs. Griffith et al., 334 U. S. 100.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the assignment of a Class IV operation on a regional channel.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1171; Filed, Feb. 9, 1950;
8:53 a. m.]

[Docket No. 9579]

CATALINA BROADCASTING CO. (KCNA)
ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of the Catalina Broadcasting Company (KCNA), Tucson, Arizona, for construction permit; Docket No. 9579, File No. BP-7234.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 1st day of February 1950;

The Commission having under consideration the above-entitled application which requests a construction permit to change the facilities of Station KCNA, Tucson, Arizona, from frequency 1340 kilocycles, 250 watts power, unlimited time to frequency 580 kilocycles, 1 kw-5 kw power, unlimited time, to install a new transmitter, change transmitter location, and to install a directional antenna (DA-2) for day and night use;

It appearing, that, the applicant is legally, technically, financially and otherwise qualified to construct and operate Station KCNA as proposed and that no objectionable interference would be involved with the services proposed in any other pending applications for broadcast facilities, but that the pro-

posed operation may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing on April 20, 1950 at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KCNA as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KCNA as proposed would involve objectionable interference with any existing United States broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KCNA as proposed would involve objectionable interference with Station XEAL, La Paz, Baja California, or with any other existing foreign broadcast stations and, if so, whether such interference would be in contravention of any international agreement or the Commission's rules and standards.

4. To determine whether the installation and operation of Station KCNA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1172; Filed, Feb. 9, 1950;
8:53 a. m.]

[Docket No. 9580]

MISSOURI VALLEY BROADCASTING CO.
(KMMO)ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Missouri Valley Broadcasting Company (KMMO), Marshall, Missouri, for modification of license; Docket No. 9580, File No. BML-1369.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 1st day of February 1950;

The Commission having under consideration the above-entitled application requesting a modification of license to increase hours of operation of station KMMO, Marshall, Missouri, from daytime only to unlimited time using a power of 100 watts nighttime with a non-directional antenna.

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to construct and operate station KMMO as proposed but

¹ See F. R. Doc. 50-1152, Title 43, Chapter I, Appendix, *supra*.

that the application would involve interference with two other existing broadcast stations and otherwise not comply with the Commission's rules and Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act, as amended, the said application is designated for hearing at Washington, D. C. on the 21st day of April 1950, upon the following issues:

1. To determine whether the operation of station KMMO as proposed would involve objectionable interference with stations KGLO, Mason City, Iowa, and WJDX, Jackson, Mississippi, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

2. To determine whether the installation and operation of station KMMO, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations particularly with respect to the assignment of a Class IV station to a regional channel.

It is further ordered, That Lee Radio Incorporated, licensee of KGLO, Mason City, Iowa, and the Lamar Life Insurance Co., licensee of WJDX, Jackson, Mississippi, be made parties to this proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1173; Filed, Feb. 9, 1950;
8:53 a. m.]

[Docket Nos. 9341, 9331, 9332]

TAMPA BROADCASTING CO. (WALT) ET AL.

ORDER AMENDING AND ENLARGING ISSUES

In re applications of W. Walter Tison, tr/as Tampa Broadcasting Company, (WALT), Tampa, Florida, Docket No. 9341, File No. BP-6537; Georgia-Carolina Broadcasting Company, Augusta, Georgia (WJBF), Docket No. 9331, File No. BP-7063; Board of Regents, University System of Georgia, on behalf of Georgia Institute of Technology (WGST), Atlanta, Georgia, Docket No. 9332, File No. BP-7294; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 1st day of February 1950;

It appearing that the Commission on June 8, 1949, designated the above-entitled application of W. Walter Tison, tr/as Tampa Broadcasting Company, Tampa, Florida, for hearing on certain engineering issues; and

It further appearing that the Commission on December 14, 1949, designated for hearing the above-entitled applications of Georgia-Carolina Broadcasting Company and Board of Regents, University System of Georgia, on behalf of

Georgia Institute of Technology, on engineering issues and on issues to determine the technical, financial and other qualifications of the applicants and their proposed program services; and

It further appearing that this consolidated hearing is a comparative proceeding in which all parties should be heard on substantially the same issues;

It is ordered, That the Commission's order of June 8, 1949, designating for hearing the application of W. Walter Tison be amended to include the following issues:

1. To determine the technical, financial and other qualifications of the applicant to construct and operate Station WALT as proposed.

2. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1174; Filed, Feb. 9, 1950;
8:53 a. m.]

[Docket No. 9365]

PIONEER FM Co.

ORDER RECONVENING HEARING

In the matter of Pioneer FM Company, co-partnership composed of Charles N. Cutler, Glenroie L. Danner and William M. Poland, Madison, Indiana, applicant for construction permit for new FM Broadcast Station (Class A); Docket No. 9365, File No. BPH-1513.

The hearing herein having been held on January 12, 1950, in Washington, D. C., and then adjourned indefinitely, to reconvene in Washington, D. C., when Mr. William M. Poland, co-partner in the Pioneer FM Company, could appear and give testimony; and

It appearing that under date of January 25, 1950, the applicant advised the Commission that Mr. Poland is now ready to proceed with his testimony;

It is hereby ordered, This 31st day of January 1950, that the hearing herein be reconvened in Washington, D. C., at 10:00 a. m., on February 13, 1950.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1175; Filed, Feb. 9, 1950;
8:53 a. m.]

[Docket No. 8342]

PEKIN BROADCASTING CO., INC. (WSIV)
ORDER CONTINUING HEARING

In re application of Pekin Broadcasting Company, Inc. (WSIV), Pekin, Illinois, for modification of construction permit; Docket No. 8342, File No. BMP-2561.

The Commission having under consideration the petition of Pekin Broadcasting Company, Inc., requesting a

ninety-day continuance of the hearing upon its application which is presently scheduled for February 10, 1950;

It appearing, that petitioner's station (WSIV) in Pekin, Illinois, is presently authorized to operate on a frequency of 1140 kilocycles, power output of 1 kilowatt, daytime hours, and, in its application, it is seeking authority for nighttime operation on the same frequency with power of 500 watts, employing a directional antenna system during the day and night; and

It appearing further, that, pursuant to the Commission's action of December 14, 1949, denying a request for reconsideration and grant of the application, petitioner has undertaken further studies of its engineering proposal with a view to determining whether it should proceed with the instant hearing or apply for authority to amend the application; and

It appearing further, that although substantial progress has been made in connection with petitioner's engineering studies, additional time will be required to complete same; and

It appearing further, that counsel for the Commission and all other parties to the proceeding have consented to the continuance of the hearing sought by petitioner;

It is ordered, This 31st day of January 1950, that the petition under consideration be, and it is hereby, granted, and the hearing in the above-entitled matter is continued to May 10, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1176; Filed, Feb. 9, 1950;
8:54 a. m.]

[Docket No. 9236]

PORT FRERE BROADCASTING CO., INC.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Friday, February 17, 1950, the Commission will hear oral argument in Room 6121, on the following matter:

Docket No. 9236, BR-1551; WTUX; Port Frere Broadcasting Co., Inc., Wilmington, Del., renewal of license.

Dated: January 30, 1950.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1177; Filed, Feb. 9, 1950;
8:54 a. m.]

FEDERAL POWER COMMISSION

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS REPRESENTING PROFIT ON FEES PAID TO ASSOCIATED COMPANIES

FEBRUARY 7, 1950.

Notice is hereby given that, on February 2, 1950, the Federal Power Commis-

sion issued its order entered January 31, 1950, approving and directing disposition of amounts representing profit on fees paid to associated companies in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1164; Filed, Feb. 9, 1950;
8:50 a. m.]

[Docket No. E-6257]

KANSAS GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF
PREFERRED STOCK

FEBRUARY 7, 1950.

Notice is hereby given that, on February 6, 1950, the Federal Power Commission issued its order entered February 3, 1950, authorizing issuance of preferred stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1161; Filed, Feb. 9, 1950;
8:50 a. m.]

[Docket No. G-859]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF ORDER AMENDING ORDER ALLOWING
INTERIM RATE SCHEDULES TO TAKE EFFECT

FEBRUARY 7, 1950.

Notice is hereby given that, on February 2, 1950, the Federal Power Commission issued its order entered January 31, 1950, amending order of December 15, 1949, published in the FEDERAL REGISTER on December 21, 1949 (14 F. R. 7626), allowing interim rate schedules to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1160; Filed, Feb. 9, 1950;
8:50 a. m.]

[Docket No. G-1302]

MICHIGAN-WISCONSIN PIPE LINE CO. AND
MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF AMENDED JOINT APPLICATION FOR
CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY

FEBRUARY 6, 1950.

Take notice that Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin) and Michigan Consolidated Gas Company (Michigan Consolidated), with their principal places of business at 500 Griswold Street, and 415 Clifford Street, Detroit 26, Michigan, respectively, filed with the Federal Power Commission on January 24, 1950, pursuant to section 7 of the Natural Gas Act, as amended, an amended joint application amending paragraphs (C) and (G) of the joint application filed with the Commission on December 7, 1949, requesting the issuance of certificates of public convenience and necessity for the construction, in-

stallation, acquisition by lease and operation of certain natural-gas transmission facilities.

A. Michigan Consolidated seeks authorization to continue its operation of the following:

(i) Approximately 61 miles of 8-inch line extending from the Reed City Field to Muskegon, Michigan.

(ii) Approximately 31 miles of 6-inch and 8-inch line extending from a point of connection to be made with an existing 22-inch line of Michigan-Wisconsin at the Grand Rapids meter station to Muskegon, Michigan.

(iii) Approximately 3 miles of 6-inch line between the Reed City Field and the community of Reed City, Michigan.

(iv) Approximately 14 miles of 4-inch and 6-inch line between Austin Station and a point of connection with the existing 4-inch lines to Ewart and Barryton, Michigan, together with its existing measuring and regulation stations for said communities.

B. Michigan Consolidated seeks authorization to construct the following:

(i) Reed City facilities:

1. Approximately 21 miles of 24-inch O. D. pipe line extending from the Austin Station to the Reed City Field.

2. 9,600 HP of additional compressor capacity in the Austin Compressor Station.

3. A dehydration plant at the Reed City Field.

4. A check meter at Austin Station on the above mentioned 24-inch line to the Reed City Field.

5. Additional wells and enlarged gathering system in the Reed City Field.

(ii) Lincoln-Freeman facilities:

1. Approximately 30 miles of 24-inch O. D. pipeline to extend from Austin Station to the Lincoln-Freeman Field.

2. A dehydration plant at the Lincoln-Freeman Field.

3. A check meter at Austin Station on the above-described 24-inch line to the Lincoln-Freeman Field.

4. Additional wells and enlarged gathering system.

(iii) Sales meters on existing lines:

1. A sales meter to be constructed and installed by Michigan Consolidated at the Reed City Field on its existing 8-inch line from Reed City Field to Muskegon, item A (i) above.

2. A sales meter to be constructed and installed by Michigan Consolidated at the Reed City Field on its existing 6-inch line between Reed City Field and the community of Reed City, Michigan, item A (iii) above.

3. A sales meter to be constructed and installed by Michigan Consolidated at Austin Station on its existing 4-inch and 6-inch lines from Austin Station to Ewart and Barryton, Michigan, item A (iv) above.

(iv) A 24-inch loop of its existing Austin-Detroit line.

(v) A measuring and regulating station on the line extending from Reed City Field to Muskegon, item A (i) above, for the purpose of measuring and regulating natural gas supplied to the City of Fremont, Michigan.

(vi) A measuring and regulating station on the existing 6-inch line between

the Reed City Field and the community of Reed City, item A (iii) above, for the purpose of measuring and regulating natural gas supplied to the community of Reed City, Michigan.

C. Michigan Consolidated seeks authorization to operate the following:

(i) Those facilities described in B (iv) (v) and (vi) above.

D. Michigan-Wisconsin seeks authority to construct and operate the following:

(i) 109,600 horsepower of additional compressor capacity.

E. Michigan Consolidated seeks authority to lease to Michigan-Wisconsin and Michigan-Wisconsin seeks authority to lease from Michigan Consolidated and to operate the following:

(i) The existing wells and other facilities in the Reed City Field.

(ii) The existing wells and other facilities in the Lincoln-Freeman Field.

(iii) Those facilities described in B (i) (ii) and (iii) above.

It is estimated by Michigan-Wisconsin that the construction and operation of the 109,600 hp. of additional compressor capacity, which, when operated with 29,600 hp. heretofore authorized, will provide a total of 139,200 hp. of compressor capacity, will increase the annual sales capacity from 56,575,000 Mcf as now authorized to a total of 110,595,000 Mcf, which is said to be needed to meet the estimated requirements of markets which Michigan-Wisconsin is now authorized to serve.

The application states Michigan Consolidated will construct and Michigan-Wisconsin will lease and operate the facilities proposed for the Reed City and Lincoln-Freeman Fields which are required in connection with the expansion of Michigan-Wisconsin's pipeline capacity. In addition thereto existing wells and other facilities in said fields are proposed to be leased and operated by Michigan-Wisconsin. Likewise for the purpose of carrying to Michigan Consolidated's markets the natural gas obtained from Michigan-Wisconsin, the continued operation of the facilities described in Paragraph "A" above are required; and similarly certain sales meters, measuring and regulating stations are required.

The application further states overall capital cost of facilities to be constructed by Michigan-Wisconsin is approximately \$22,732,200; and those to be constructed by Michigan Consolidated is approximately \$15,346,500; that being subsidiaries of American Natural Gas Company, a registered holding company, the financing of the costs thereof is subject to the approval of the Securities and Exchange Commission; that subject to such approval, Michigan-Wisconsin proposes to finance approximately 75 percent of its cost through the sale of bonds, and 25 percent through the sale of its common stock to its parent company, American Natural Gas Company; similarly Michigan Consolidated proposes to finance approximately 60 percent of its costs through the sale of bonds, and 40 percent through the sale of its common stock to its parent, American Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The joint amended application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1154; Filed, Feb. 9, 1950;
8:48 a. m.]

[Project No. 945]

CHARLES L. HILL AND SALINE F. HILL

NOTICE OF ORDER AUTHORIZING ISSUANCE OF
NEW LICENSE (MINOR)

FEBRUARY 7, 1950.

Notice is hereby given that, on February 2, 1950, the Federal Power Commission issued its order entered January 31, 1950, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1162; Filed, Feb. 9, 1950;
8:50 a. m.]

[Project No. 1951]

GEORGIA POWER CO.

NOTICE OF ORDER FURTHER EXTENDING TIME
FOR FILING REVISED EXHIBITS

FEBRUARY 7, 1950.

Notice is hereby given that, on February 2, 1950, the Federal Power Commission issued its order entered January 31, 1950, further extending until July 1, 1950, the time for filing revised Exhibits F and K in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1163; Filed, Feb. 9, 1950;
8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24848]

MALT LIQUORS BETWEEN ILLINOIS AND
THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariff named below.

Commodities involved: Malt liquors and empty returned carriers, carloads.

Between: Points in Illinois territory and Cameron and Gulf, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 667, Supplement 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1167; Filed, Feb. 9, 1950;
8:52 a. m.]

[4th Sec. Application 24849]

PETROLEUM SIZING FROM KALAMAZOO,
MICH., TO SOUTH

APPLICATION FOR RELIEF

FEBRUARY 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3912, pursuant to fourth-section order No. 9800.

Commodities involved: Sizing, emulsified petroleum, carloads.

From: Kalamazoo, Mich.

To: Points in the South.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1168; Filed, Feb. 9, 1950;
8:52 a. m.]

[4th Sec. Application 24850]

CITRUS FRUIT FROM FLORIDA TO ILLINOIS,
INDIANA, IOWA, AND WISCONSIN

APPLICATION FOR RELIEF

FEBRUARY 7, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 642.

Commodities involved: Citrus fruit, carloads.

From: Points in Florida.

To: Points in Illinois, Indiana, Iowa, and Wisconsin.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 642, Supplement 149.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1168; Filed, Feb. 9, 1950;
8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2308]

MISSISSIPPI POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of February 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Mississippi Power Company ("Mississippi"), a public utility subsidiary of The Southern Company, a registered holding company. The declarant has designated sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement

of the transaction therein proposed, which is summarized as follows:

Mississippi proposes to issue \$3,000,000 principal amount of its First Mortgage Bonds, --% Series, due 1980, to be issued under and secured by Mississippi's present indenture dated as of September 1, 1941, as supplemented by indentures dated as of September 1, 1946, August 1, 1947, April 1, 1948, April 1, 1949, and to be dated as of March 1, 1950. The bonds will be sold pursuant to the competitive bidding requirements of Rule U-50 and for a price to the company of not less than 100% or more than 102 3/4% of the principal amount thereof, plus accrued interest.

According to the filing, Mississippi contemplates expenditures for the construction or acquisition of property additions to its utility plant during the years 1950, 1951 and 1952 in the amount of approximately \$14,700,000. The filing states that in order to finance its construction program Mississippi will use the proceeds from the sale of the new bonds and cash on hand and estimated to be received from operations. The management of Mississippi estimates that, based upon the present level of earnings and current expectations of the probable progress of its construction program, approximately \$5,000,000 of its cash requirements will have to be provided before the end of 1952 from the sale of additional securities.

Notice is further given that any interested person may, not later than February 17, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 17, 1950, said application, as filed or as amended, may be granted.

The declarant has requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-1155; Filed, Feb. 9, 1950;
8:49 a. m.]

[File No. 70-2314]

QUINCY ELECTRIC LIGHT AND POWER CO.
AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of February A. D. 1950.

Notice is hereby given that a joint application has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935, by Quincy

Electric Light and Power Company ("Quincy"), a subsidiary of New England Electric System ("NEES"), a registered holding company, and by NEES. Applicants designate sections 6 (b) and 10 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 15, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 15, 1950, said application, as filed, or as amended may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Quincy proposes to issue and sell for cash to NEES 3,750 shares of additional capital stock (par value \$25 per share) of the aggregate par value of \$93,750. Such additional shares are to be offered to NEES, the sole stockholder of Quincy, at the price of \$80 a share, an aggregate of \$300,000. NEES proposes to acquire such shares and will use available cash for such purpose.

Quincy has outstanding promissory notes in the amount of \$300,000 bearing an interest rate of 2 3/4% per annum and maturing May 31, 1951. The notes carry the privilege of prior payment in whole or in part.

Quincy proposes to use the proceeds from the sale of additional shares of capital stock to retire its note indebtedness, aggregating \$300,000 as indicated in the preceding paragraph.

The Massachusetts Department of Public Utilities has approved the issue by Quincy of the additional shares of capital stock at the price of \$80 a share.

Incidental services in connection with the proposed transactions by Quincy and NEES will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The cost to Quincy and NEES of such services is estimated not to exceed \$1,000 and \$200, respectively. Total expenses to be borne by Quincy are estimated at \$1,150.

Applicants request that the Commission's order become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-1156; Filed, Feb. 9, 1950;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 59 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 14270]

MRS. JOHANNA BECK FISCHER

In re: Debt owing to Mrs. Johanna Beck Fischer, also known as Mrs. Johanna Beck Fisher. F-28-30383-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Johanna Beck Fischer, also known as Mrs. Johanna Beck Fisher, whose last known address is Stuttgart-Bad Cannstatt, Katzensteig, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Canal Bank and Trust Company in Liquidation, New Orleans, Louisiana, in the amount of \$954.42, arising out of liquidating dividends and interest distributions on account of a deposit account, maintained by Mrs. Johanna Fischer with the aforesaid bank and trust company, and those certain checks described in Exhibit A, attached hereto and by reference made a part hereof, said checks presently in the custody of J. Edgar Monroe, George B. Gurgess and John F. Finke, State Bank Commissioners, 1202 Canal Bank Building, New Orleans 12, Louisiana, together with all rights in, to and under, including particularly, but not limited to, the right of possession and presentation for collection and payment of, the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Johanna Beck Fischer, also known as Mrs. Johanna Beck Fisher, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

EXHIBIT A

Checks drawn payable to order of Mrs. Johanna Beck Fischer, also known as Mrs. Johanna Beck Fisher, by W. J. Beznard, State Bank Commissioner, formerly in charge, Canal Bank & Trust Co. in Liquidation, New Orleans, La.

| Date of check | Purpose of issue | Check No. | Amount of check |
|---------------|------------------------------|-----------|-----------------|
| Jan. 10, 1941 | Third liquidating dividend | 22687 | \$166.51 |
| Apr. 30, 1948 | Fourth liquidating dividend | 17638 | 166.51 |
| Do. | Fifth liquidating dividend | 15680 | 229.72 |
| Aug. 1, 1945 | Sixth liquidating dividend | 15721 | 199.82 |
| Aug. 4, 1947 | First interest distribution | A15792 | 60.93 |
| Dec. 26, 1947 | Second interest distribution | B15799 | 30.47 |
| Apr. 26, 1948 | Final interest distribution | C15799 | 30.46 |

[F. R. Doc. 50-1179; Filed, Feb. 9, 1950; 8:45 a. m.]

[Vesting Order 14292]

HISA SADANAGA

In re: Rights of Hisa Sadanaga under Insurance Contract. File No. F-39-6311-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hisa Sadanaga, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 984 620, issued by the New York Life Insurance Company, New York, New York, to Kazuto Sadanaga, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1180; Filed, Feb. 9, 1950; 8:45 a. m.]

[Vesting Order 14293]

TAKA SAKURAUCHI

In re: Rights of Taka Sakurachi under Insurance Contract. File No. F-39-6349-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Taka Sakurachi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan).

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15 035 403, issued by the New York Life Insurance Company, New York, New York, to Tokuya Sakurachi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1181; Filed, Feb. 9, 1950; 8:46 a. m.]

[Vesting Order 14294]

UMENO TAKENAKA

In re: Rights of Umeno Takenaka under Insurance Contract. File No. F-39-4509-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Umeno Takenaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 831 952, issued by the New York Life Insurance Company, New York, New York, to Umeno Takenaka, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1182; Filed, Feb. 9, 1950; 8:46 a. m.]

[Vesting Order 14295]

NIYEMON TAKESHITA

In re: Rights of Niyemon Takeshita under Insurance Contract. File No. F-39-106-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Niyemon Takeshita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7902352, issued by the New York Life Insurance Company, New York, New York, to Niyemon Takeshita, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1183; Filed, Feb. 9, 1950;
8:46 a. m.]

[Vesting Order 14298]

HERMANN KARL ADOLF BEYER

In re: Bank account and checks owned by the personal representatives, heirs, next of kin, legatees and distributees of Hermann Karl Adolf Beyer, deceased, also known as Herman Beyer, Hermann Beyer and as Hermann Charles Beyer. D-28-12673-C-1/2, D-28-12673-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hermann Karl Adolf Beyer, deceased, also known as Herman Beyer, Hermann Beyer and as Herman Charles Beyer, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Whitney National Bank of New Orleans, St. Charles and Gravier Streets, New Orleans 10, Louisiana, arising out of a Savings Account, account number 127244, entitled Herman Beyer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Those certain debts or other obligations evidenced by eight (8) Travelers Checks issued by American Express Company payable to Hermann Karl Adolf Beyer, deceased, also known as Herman Beyer, Hermann Beyer and as Hermann Charles Beyer, said checks numbered F 4,423,969/76 of \$10.00 face amount each and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under including particularly the right to possession and presentation for payment of the aforesaid checks, and

c. Those certain debts or other obligations, matured or unmatured, of the State Bank Commissioners in charge of Canal Bank and Trust Company, in Liquidation, 1206 Canal Bank Building, New Orleans, Louisiana, arising out of savings account H. O. 50978 carried on the books of the Canal Bank and Trust Company prior to liquidation, represented by six (6) checks drawn by W. J. Begnaud, payable to Hermann Karl Adolf Beyer, deceased, also known as Herman Beyer, Hermann Beyer and as Hermann Charles Beyer, drawn on the National Bank of Commerce in New Orleans and numbered, dated and in the amounts as follows:

| No. | Date | Amount |
|-------------|---------------|---------|
| 32989..... | Apr. 30, 1948 | \$50.08 |
| 29844..... | do | 91.21 |
| 29038..... | Aug. 1, 1945 | 60.81 |
| A30033..... | Aug. 4, 1947 | 18.54 |
| B30093..... | Dec. 26, 1947 | 9.27 |
| C30093..... | Apr. 26, 1948 | 9.28 |

said checks representing the fourth, fifth and sixth liquidating dividends and first, second and third interest distributions on said savings account H. O. 50978 and presently in the custody of J. Edgar Monroe, George E. Burgess and John F. Finke, State Bank Commissioners in charge of Canal Bank and Trust Company in Liquidation, 1206 Canal Bank Building, New Orleans, Louisiana, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in,

to and under, including particularly the right to possession and presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Hermann Karl Adolf Beyer, deceased, also known as Herman Beyer, Hermann Beyer and as Hermann Charles Beyer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Hermann Karl Adolf Beyer, deceased, also known as Herman Beyer, Hermann Beyer and as Hermann Charles Beyer are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1184; Filed, Feb. 9, 1950;
8:46 a. m.]

[Vesting Order 14301]

HEINRICH HOERLEIN

In re: Safe deposit lease and contents owned by Heinrich Hoerlein, also known as Dr. H. Hoerlein. F-28-2368-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Hoerlein, also known as Dr. H. Hoerlein, whose last known address is Elberfeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Heinrich Hoerlein also known as Dr. H. Hoerlein, under and by virtue of a safe deposit box lease agreement by and between Dr. H. Hoerlein and the Irving Trust Company, 1 Wall Street, New York,

New York, relating to Safe Deposit Box No. 508, located in the vaults of said company, including particularly but not limited to, the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Heinrich Hoerlein, also known as Dr. H. Hoerlein, located in the safe deposit box referred to in subparagraph 2 (a) hereof, and any and all rights of said person evidenced or represented thereby,

subject, however, to any liens of the aforesaid Irving Trust Company, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1185; Filed, Feb. 9, 1950;
8:46 a. m.]

[Vesting Order 14306]

WAKAMATSU NISHIKAWA

In re: Cash owned by Wakamatsu Nishikawa also known as Wakamatsu Nishikawa and as W. Nishikawa. F-39-4707-C-1, E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wakamatsu Nishikawa also known as Wakamatsu Nishikawa and as W. Nishikawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Cash in the sum of \$158.15, presently in the possession of the Treasury

No. 28-4

Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Wakamatsu Nishikawa, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Shell Chemical Corporation, 100 Bush Street, San Francisco 6, California, in the amount of \$7.50 as of December 31, 1945, representing a credit for material returned, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Wakamatsu Nishikawa also known as Wakamatsu Nishikawa and as W. Nishikawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1185; Filed, Feb. 9, 1950;
8:47 a. m.]

[Vesting Order 14308]

KAKUMA OKI AND MIYOKO OKI

In re: Cash owned by Kakuma Oki and Miyoko Oki. D-39-18337.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kakuma Oki and Miyoko Oki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of \$25.00, presently in the possession of the Treasury Department of the United States, in an account entitled "14X8859 Unclaimed Moneys of Individuals Whose Where-

abouts Are Known, Interior," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kakuma Oki, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: Cash in the sum of \$40.00, presently in the possession of the Treasury Department of the United States, in an account entitled "14X8859 Unclaimed Moneys of Individuals Whose Whereabouts Are Known, Interior," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Miyoko Oki, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1187; Filed, Feb. 9, 1950;
8:47 a. m.]

[Vesting Order 14309]

ARTHUR M. PFau

In re: Stock owned by Arthur M. Pfau, also known as Arthur Martin Pfau and as Arthur William Pfau. D-28-5361-A-1; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur M. Pfau, also known as Arthur Martin Pfau and as Arthur William Pfau, whose last known address is Germany, is a resident of Germany

and a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred (100) shares of \$10.00 par value common capital stock of The Murray Corporation of America, 7700 Russel Street, Detroit 11, Michigan, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY090927, registered in the name of Arthur M. Pfau and presently in the custody of Paine, Webber, Jackson, and Curtis, 100 Penobscot Building, Detroit 26, Michigan, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1188; Filed, Feb. 9, 1950;
8:47 a. m.]

[Vesting Order 14310]

TAKEICHI THOMAS SASAKI

In re: Cash owned by Takeichi Thomas Sasaki also known as Takamasi Thomas Sasaki and as Takuchi Thomas Sasaki. D-39-11265-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takeichi Thomas Sasaki also known as Takamasi Thomas Sasaki and as Takuchi Thomas Sasaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of \$1897.12,

presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Takeichi Thomas Sasaki, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Takeichi Thomas Sasaki also known as Takamasi Thomas Sasaki and as Takuchi Thomas Sasaki, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1189; Filed, Feb. 9, 1950;
8:47 a. m.]

[Vesting Order 14315]

LOUIS F. L. WIEST

In re: Estate of Louis F. L. Wiest, deceased. File: D-28-12742. E. T. sec. 16919.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anastasia Wiest whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Louis F. L. Wiest, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Thomas H. Kuchel,

State Controller, Sacramento, California, as depositary, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Sacramento, Sacramento, California;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 3, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1191; Filed, Feb. 9, 1950;
8:48 a. m.]

[Vesting Order 14313]

HEDWIG SUHR ET AL.

In re: Debts owing to Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert and the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased. F-28-1905-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in the amount of \$1,349.99, representing dividends paid on three hundred (300) shares of \$25.00 par value preferred capital stock of United Shoe Machinery Corporation, 140 Federal Street, Boston, Massachusetts, evidenced by certificates numbered A7839

to A7841 inclusive for one hundred (100) shares each, and registered in the name of Egger & Co., said debt or other obligation presently on deposit in a Foreign Department dollar account entitled Frankfurter Bank, Frankfurt, Germany, Clients Account, Blocked General Ruling No. 6, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in the amount of \$763.71, representing dividends paid on three hundred (300) shares of \$25.00 par value preferred capital stock of United Shoe Machinery Corporation, 140 Federal Street, Boston, Massachusetts, evidenced by certificates numbered A7839 to A7841 inclusive for one hundred (100) shares each and registered in the name of Egger & Co., said debt or other obligation presently on deposit in a Trust Department custody account, entitled Frankfurter Bank, Frankfurt, Ger-

many, Clients Account, General Ruling No. 6, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert and the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased,* the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1950.

For the Attorney General.

[SEAL]

HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1199; Filed, Feb. 9, 1950;
8:47 a. m.]

